

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN J. HEBERT,

Defendant.

CASE NO. 2:23-cr-143

ORDER GRANTING MOTION TO
CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DEADLINE

This matter comes before the Court on Defendant Christian J. Herbert's motion to continue the trial date and pretrial motions deadline. Dkt. No. 21.

On December 1, 2023, Defendant requested a 60-day continuance of the January 8, 2024, trial date and an extension of the pretrial motions deadline. *Id.* Defendant stated in his motion that the Government objects to a trial continuance, but the Government has not filed a formal response to the motion. *See generally* Dkt. As a result, the Court considers the motion to be unopposed. See W.D. Wash. Local. Crim. R. 12(b)(2) (a party opposing a motion must file a brief opposing the motion); W.D. Wash. Local Crim. R. 12(b)(4) (failure to file an opposition as required by the local rules may be considered an admission that any opposition lacks merit).

ORDER GRANTING MOTION TO CONTINUE TRIAL DATE AND PRETRIAL MOTIONS
DEADLINE - 1

1 Having considered Defendant's motion and the relevant record, the Court
2 FINDS as follows:

3 (a) taking into account the exercise of due diligence, a failure to grant a
4 continuance in this case would deny counsel for the defendant the
5 reasonable time necessary for effective preparation due to counsel's need
6 for more time to review the evidence, consider possible defenses, and
7 gather evidence material to the defense, as set forth in 18 U.S.C. §
8 3161(h)(7)(B)(iv);

9 (b) a failure to grant such a continuance in this proceeding would likely result
10 in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

11 (c) the additional time requested is a reasonable period of delay, as the
12 defendant has requested more time to prepare for trial, to investigate the
13 matter, to gather evidence material to the defense, and to consider
14 possible defenses;

15 (d) the ends of justice will best be served by a continuance, and the ends of
16 justice outweigh the best interests of the public and the defendant in any
17 speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A);

18 (e) the additional time requested between the current trial date of
19 January 8, 2024, and the new trial date is necessary to provide counsel for
20 the defendant the reasonable time necessary to prepare for trial,
21 considering counsel's schedule and all of the facts set forth above;

22 (f) the period of delay from the date of this order to the new trial date is
23 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

1 Accordingly, the Court GRANTS Defendant's unopposed motion to continue
2 trial. Dkt. No. 21. It is therefore ORDERED that the trial date in this matter will be
3 continued to a date up to and including April 1, 2024. *See* Dkt. No. 23. The parties
4 are directed to coordinate with the Courtroom Deputy, Mr. Cogswell, to set a new
5 trial date. The existing pretrial motions deadline is STRICKEN and a new deadline
6 will be set for six weeks before the new trial date. The Court also STRIKES
7 Defendant's separately filed Motion for an Extension of Time as MOOT. Dkt. No.
8 24.

9 Dated this 11th day of December 2023.

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11 Jamal N. Whitehead
12 United States District Judge
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